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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,154	03/21/2001	Robert S. Marshall	A182 1010	2468

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EXAMINER

CHANG, JUNGWON

ART UNIT PAPER NUMBER

2154

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/814,154	<b>Applicant(s)</b> MARSHALL ET AL.	
	<b>Examiner</b> Jungwon Chang	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.  
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-19 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 2/24/03.  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 20-57 are canceled by the present preliminary amendment filed on 4/25/2005. Claims 1-19 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- i. Claim 1 recites the limitation "the streaming" in line 1. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwoegler (US 6,590,529), in view of Densmore (US 6,591,305).

6. As to claim 1, Schwoegler discloses the invention substantially as claimed, including a method for the streaming of dynamic weather content simultaneously (broadcast; col. 9, lines 51-58) to a plurality of end user clients in a wide area communication system, comprising the steps performed at a weather content server (col. 1, lines 26-28) of:

collecting weather content continuously from a plurality of weather stations (52, fig. 3; col. 6, lines 7-11) (col. 9, lines 35-50; col. 14, lines 16-17);

receiving a request for dynamic weather content from each end user client (106, fig. 5; 402, fig. 8; 602, fig. 10; col. 7, lines 5-7 and 45-47; col. 8, lines 59-60);

selecting local weather content to be delivered to each end user client in response to each request (108, fig. 5; col. 7, lines 17-26 and 47-48; col. 8, lines 30-32); and

transmitting the selected weather content simultaneously (broadcast; col. 9, lines 51-58) to each end user client (110, fig. 5; col. 7, lines 48-49; col. 10, lines 6-11).

7. Schwoegler discloses transmitting the selected weather content simultaneously to each end user client (110, fig. 5; col. 7, lines 48-49; col. 10, lines 6-11). However, Schwoegler does not specifically disclose request at predetermined time intervals. Densmore discloses request at predetermined time intervals (client objects periodically request; abstract; 426, fig. 4; making repeated requests; col. 6, lines 35-49; col. 7, lines

10-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schwoegler and Densmore because Densmore's periodic request would allow the client to receive new and updated content from the server.

8. As to claim 2, Schwoegler discloses wherein the wide area communications system is the Internet (col. 1, lines 12-18; col. 11, lines 14-21).

9. As to claim 3, Schwoegler discloses collecting weather content continuously comprises the act of receiving dynamically changing weather content from a plurality of geographically distributed weather stations (52; fig. 3; col. 6, lines 7-11) (periodically updating the weather forecast data; col. 3, lines 23-27).

10. As to claim 4, Schwoegler discloses collection weather information comprises the act of receiving local weather alert content from at least one weather source (col. 9, lines 46-50; col. 10, lines 40-53).

11. As to claim 5, Schwoegler discloses dynamic weather content is updated in real-time (real-time weather forecast information; col. 2, lines 15-20; col. 9, lines 29-34).

12. As to claim 6, Schwoegler discloses interactively registering each end user client (valid user; 604, fig. 10; subscriber; col. 7, lines 4-8; information stored in a client

database; col. 9, lines 1-2), including completion of a user profile (606, fig. 10; col. 8, line 67 – col. 9, line 1; col. 10, line 62), before selected local weather content is delivered to each end user client (col. 8, line 60 – col. 9, line 7); providing each end user client with a configuration for controlling the display (12, fig. 1; 16, fig. 2) of the selected local weather content (displaying in various formats; col. 12, lines 4-15; col. 10, lines 18-29).

13. As to claim 7, Schwoegler discloses the act of placing a current temperature icon that is updated in real-time on a display associated with each end user client (figs. 1-2; col. 4, lines 57-67; figs. 11-14; col. 9, lines 20-28; col. 13, lines 30-36).

14. As to claim 8, Schwoegler discloses the step of receiving a request for dynamic weather content from an end user client includes processing a message formatted according to the HyperText Transfer Protocol (HTTP) (col. 11, lines 14-21).

15. As to claim 9, Schwoegler discloses wherein the selected weather content is streamed as dynamically-changing local data to each end user client display (figs. 1-2; col. 4, lines 57-67; figs. 11-14; col. 9, lines 20-28) and includes a current temperature icon that is placed in a system tray on a display associated with the end user client (col. 13, lines 30-36; col. 4, lines 65-67).

16. As to claim 10, it is rejected for the same reasons set forth in claim 1 above. In

addition, Schwoegler discloses at least one storage device (66, fig. 3; 916, 918, fig. 18) for storing a plurality of databases (col. 3, lines 23-27; col. 6, lines 12-20; col. 7, lines 40-45; col. 14, lines 16-25), including a weather content database (66, fig. 3; 916, 918, fig. 18); and

a weather content server (col. 1, lines 26-28; 50, fig. 3) connected to the storage device (66, fig. 3) and operating a computer program (col. 7, lines 50-59) including:

an information handling component (62, 64, fig. 3) for collecting dynamic weather content continuously from a plurality of weather stations (52, fig. 3; col. 6, lines 7-11) to distribute to the end user clients (col. 6, lines 7-20; col. 9, lines 35-50; col. 14, lines 16-17);

a message receiving component (60, 78, fig. 3) for receiving a request for dynamic weather content from each end user client (106, fig. 5; 402, fig. 8; 602, fig. 10; col. 7, lines 3-7 and 45-47; col. 8, lines 59-60);

a selection component (84, fig. 3) for selecting local weather content to be delivered to each end user client in response to each request (108, fig. 5; col. 7, lines 17-26 and 47-48; col. 8, lines 30-32); and

a transmission component (80, fig. 3) for transmitting the selected weather content to each end user client (110, fig. 5; col. 7, lines 48-49; col. 10, lines 6-11).

17. As to claim 11, it is rejected for the same reasons set forth in claim 6 above.

18. As to claim 12, it is rejected for the same reasons set forth in claim 8 above.

19. As to claim 13, it is rejected for the same reasons set forth in claim 9 above.

20. As to claim 14, it is rejected for the same reasons set forth in claims 1 and 10 above. In addition, Schwoegler discloses a computer readable medium containing a computer program product (col. 3, lines 40-49; col. 6, lines 15-28; col. 7, lines 50-59; col. 9, lines 35-50; col. 13, line 65 – col. 14, line 10).

21. As to claim 15, it is rejected for the same reasons set forth in claim 3 above.

22. As to claim 16, it is rejected for the same reasons set forth in claim 4 above.

23. As to claim 17, it is rejected for the same reasons set forth in claim 5 above.

24. As to claim 18, it is rejected for the same reasons set forth in claim 6 above.

25. As to claim 19, it is rejected for the same reasons set forth in claim 8 above.

### ***Conclusion***

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Pinder, patent 6,112,074, Foust, patent 6,240,369, Peek et al, patent 6,343,255, Bhatia



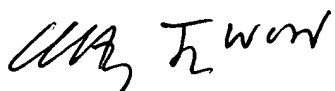
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et al, 2002/0090932, Ryan et al, 2002/0130899 disclose method and system for accessing and displaying weather information.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Handwritten signature of Jungwon Chang in cursive script.

JWC  
May 11, 2005